

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Michael E. Seitz et al. Art Unit 1611
Serial No. 10/728,654
Filed December 5, 2003
Confirmation No. 8454
For MICROCAPSULES WITH AMINE ADJUSTED RELEASE RATES
Examiner Barbara S. Frazier

January 28, 2010

SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION AND ADVISORY ACTION

DIRECTOR OF THE UNITED STATES PATENT AND
TRADEMARK OFFICE
P.O. Box 1450
Alexandria, Virginia 22313-1450

This response is being submitted to supplement the response filed with the Patent Office on January 27, 2010. Specifically, this response is being submitted to supplement the response to the rejections over Seitz et al. in view of Asrar '901 in the Office action of August 27, 2009.

The response filed with the Patent Office on January 27, 2010 was accompanied by Declarations under 35 C.F.R. §1.132 signed by three of the four co-inventors of the present application (Ronald Brinker, Yiwei Ding, and Michael Seitz) establishing that the disclosures which the aforesaid Office action had relied upon in Asrar '901 represent the work of the group of inventors.

We have now received and herein submit the signed declaration of Jawed Asrar relating to the '901 reference. Accordingly, all four inventors agree and confirm that the relevant disclosure of the '901 reference as relied on by the Examiner is identical to that of US 6,992,047 and is the work of

the four inventors in the instant application, taken together with the earlier declarations of all four inventors establishing that this disclosure as appearing in '047 is the work of the same four inventors, should be sufficient to establish that the relevant disclosure in the '901 reference is the work of the same four inventors. Accordingly, Asrar '901 is removed as a reference.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees in connection with this response to Deposit Account No. 19-1345.

Respectfully submitted,

/John K. Roedel, Jr./

John K. Roedel, Jr., Reg. No. 25,914
SENNIGER POWERS LLP
100 North Broadway, 17th Floor
St. Louis, Missouri 63102
(314) 345-7000

JKR/NAK/mrt